

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AMJ COMMERCIAL HOLDINGS, LLC	§	
and EDUCATION MANAGEMENT	§	
SERVICES, LLC	§	
<i>Plaintiffs.</i>	§	
	§	CIVIL ACTION NO. 5:17-cv-01025
v.	§	
	§	
HARTFORD FIRE INSURANCE	§	
COMPANY,	§	
<i>Defendant.</i>	§	

NOTICE OF REMOVAL

Defendant Hartford Fire Insurance Company (“Hartford” or “Defendant”) files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On August 30, 2017, Plaintiffs AMJ Commercial Holdings, LLC and Education Management Services, LLC (“Plaintiffs”) filed their Original Petition (the “Petition”) in Cause Number 2017-CI-16478, in the 150th District Court of Bexar County, Texas. Defendant filed its answer in the State Court on October 6, 2017.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff’s petition is attached as Exhibit C; (iv) a copy of Defendant’s answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is

attached as Exhibit E; and (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant Hartford first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiffs' Original Petition.

4. The claims asserted against Defendant are civil actions over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff AMJ Commercial Holdings, LLC was and is a citizen of the State of Texas because it is a domestic, limited liability company with a registered agent in the State of Texas. Plaintiff Education Management Services, LLC was and is a limited liability company formed in the State of Delaware, with a registered agent in the State of Texas. Defendant was, at the time this action was commenced, and still is, a citizen of the State of Connecticut because it is incorporated under the laws of the State of Connecticut and has its principal place of business in Connecticut.

5. The amount in controversy exceeds \$75,000 based on Plaintiffs' state court Petition, specifically at pp. 1 and 9.

6. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

7. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Brittan L. Buchanan

Brittan L. Buchanan

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2017, a true and complete copy of the above and foregoing instrument has been served via the electronic filing manager on Plaintiff's counsel of record as follows:

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/s/ Brittan L. Buchanan

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